

Docket No.: 033033.00013
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of:

Attorney Docket No. 033033.00013

John S. HENDRICKS et al.

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For: ELECTRONIC BOOK HAVING LIBRARY CATALOG MENU AND SEARCHING
FEATURES

APPEAL BRIEF

MS Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Date: February 3, 2011

Sir:

Submitted herewith is an Appeal Brief with concurrent payment of the official fees for the Appeal Brief. The period for filing the Appeal Brief is extended for one month by payment herein of the appropriate government fees. Please charge any fee deficiencies required with respect to this paper, or any overpayment, to our Deposit Account No. 01-2300, referencing docket number 033033-00013.

TABLE OF CONTENTS

I. INTRODUCTION	1
II. REAL PARTY IN INTEREST	1
III. RELATED APPEALS AND INTERFERENCES	1
IV. STATUS OF CLAIMS	2
V. STATUS OF AMENDMENTS	2
VI. SUMMARY OF THE CLAIMED SUBJECT MATTER ON APPEAL	2
VII. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL	8
VIII. ARGUMENT	8
A. Legal Overview	8
B. Rejection of claims 1-13, 18-29, 63, and 107-109 under 35 U.S.C. §103	10
C. Rejection of claims 14-17 and 30-31 under 35 U.S.C. § 103	12
IX. CONCLUSION	13
X. APPENDIX I: COPY OF THE CLAIMS INVOLVED IN THE APPEAL	14
XI. APPENDIX II: EVIDENCE	27
XII. APPENDIX III: RELATED PROCEEDINGS	28

I. INTRODUCTION

This is an appeal from the Final Office Action dated August 19, 2010. Claims 1-13, 18-29, 63, and 107-109 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshimune *et al.* (U.S. Patent No. 6,438,233, hereinafter "Yoshimune") in view of Cassorla *et al.* (U.S. Patent No. 5,146,552, hereinafter "Cassorla"). Claims 14-17 and 30-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshimune in view of Cassorla and further in view of Kubota (U.S. Patent No. 5,506,902, hereinafter "Kubota").

A Notice of Appeal was timely filed on November 19, 2010, with the appropriate fees. As such, the Appellants Brief on Appeal is being timely filed.

II. REAL PARTY IN INTEREST

The real party in interest in the present application is the assignee, Discovery Patent Holdings, LLC, as evidenced by the assignment recorded at the United States Patent and Trademark Office on August 3, 2010, at reel 024783, frame 0387, which subsequently changed its name to Adrea, LLC, as evidenced by the attached certificate of change of name.

III. RELATED APPEALS AND INTERFERENCES

The appellants, appellants' legal representative, and assignees are not aware of any related appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal.

IV. STATUS OF CLAIMS

Claims 1-31, 63, and 107-109 are pending and claims 32-62 and 64-106 are canceled. Claims 1-31, 63, and 107-109 are rejected. Claims 1-31, 63, and 107-109 are being appealed. A copy of the claims under appeal can be found in Appendix A.

V. STATUS OF AMENDMENTS

No amendments have been filed subsequent to the Final Office Action of August 19, 2010, from which this appeal has been taken.

VI. SUMMARY OF THE CLAIMED SUBJECT MATTER ON APPEAL

The subject matter of independent claim 1 is directed to a system for transmitting and receiving text in the form of an electronic signal, and displaying an indication of the text, wherein the system comprises a processor that produces an electronic signal containing a representation of textual data corresponding to one or more electronic books (page 7, lines 3-7, page 8, lines 13-16); a transmitter, connected to the processor, that transmits the electronic signal (page 7, lines 7-9); and a home subsystem (page 5, lines 19-22), wherein the home subsystem includes a connector that receives the electronic signal (page 8, lines 24-25); means, connected to the connector, for selecting a portion of the textual data, comprising means for receiving a subscriber entry indicating a title of an electronic book, wherein the title correlates to a portion of the textual data (page 14, lines 19-21 and page 23, lines 18-19); an electronic collection of electronic books, ordered and transmitted electronically via the transmitter, wherein in response to a transmitted order, the ordered electronic book is transmitted from a remote operations center to the home subsystem and stored in a library unit of the home subsystem until a selection is received to view the electronic book (page 17, lines 7-20, page 22, lines 7-17); means for associating subscriber-

created data with individual electronic books located in the collection of electronic books (page 30, lines 15-16); means for storing the subscriber-created data associated with individual electronic books located in the collection of electronic books in a header file for each of the individual electronic books (page 30, lines 12-14); means for receiving one of a subscriber-entered selection and a subscriber-defined selection (page 30, lines 17-22); a menu generator that determines and generates a particular library menu of the books located in the collection based on at least one of the received selection and a default menu and generates a searchable menu of the electronic books in the electronic books collection (page 28, lines 16-17); means for selecting search criteria for the searchable menu based on at least one of the subscriber-entered selection and the subscriber-defined selection (page 31, line 8 to page 32, line 14); and a display, connected to the connector, that displays the particular library menu of books relating to the determination of the menu generator, and displays the subscriber-created data associated with each of the books included in the particular library menu (page 21, lines 5-6, and lines 10-12).

The subject matter of independent claim 18 is directed to a method for distributing text material in textual data form using an electronic signal and a transmission medium, wherein the method comprises processing an electronic order for one or more electronic books (page 20, lines 1-26); transmitting the electronic order over a transmission medium from a library unit of a home subsystem to a remote operations center (page 20, lines 17-18); in response to the electronic order, coding textual data corresponding to one or more electronic books onto an electronic signal (page 7, lines 5-6, page 8, lines 14-16); transmitting the electronic signal over a transmission medium from the remote operations center to the home subsystem to be stored in the library unit of the home subsystem until the one or more electronic books is selected for viewing (page 7, lines 7-9, page 8, lines 14-16); receiving the electronic signal from the transmission medium (page 7, lines 9-11); storing the textual data in an electronic collection at the subscriber's location (page 17, lines 7-20, page 22, lines 7-17); associating subscriber-created data with individual electronic books located in

the electronic collection (page 30, lines 15-16); storing the subscriber-created data associated with individual electronic books located in the electronic collection in a header file for each of the individual electronic books (page 30, lines 12-14); receiving one of a subscriber-entered selection and a subscriber-defined selection (page 30, lines 17-22); determining whether to generate a particular library menu of the books located in the electronic collection based on at least one of the received selection and a default menu and whether to generate a searchable menu of the electronic books in the electronic books collection (page 29, lines 8-10); selecting search criteria for the searchable menu based on at least one of the subscriber-entered selection and the subscriber-defined selection (page 31, line 14 to page 32, line 5); displaying the particular library menu relating to the determination along with the subscriber-created data associated with each of the books included in the particular library menu (page 27, lines 24-26, page 30, lines 23-24); and receiving a subscriber entry indicating a title of an electronic book, wherein the title correlates to a portion of the textual data (page 25, lines 16-17).

The subject matter of independent claim 63 is directed to a system for transmitting and receiving text in the form of an electronic signal in response to the transmission of an electronic purchase order, and displaying an indication of the text, wherein the system comprises means for producing an electronic signal containing a representation of textual data (page 7, lines 3-7, page 8, lines 13-16); means, connected to the producing means, for transmitting the electronic signal, in response to receiving the electronic purchase order, from a remote operations center to a home subsystem (page 7, lines 7-9, page 8, lines 16-19), wherein the electronic text is stored in a library unit of the home subsystem until selected for viewing, and wherein the electronic purchase order is transmitted from the library unit to the remote operations center (page 20, lines 17-18); means for receiving the electronic signal (page 15, lines 20-24); means connected to the receiving means, for storing an electronic collection of the received electronic signal containing a representation of textual data at the location of the subscriber (page 17, lines 7-20, page 22, lines 7-17);

means for associating subscriber-created data with individual electronic books located in the collection of electronic books (page 30, lines 15-16); means for storing the subscriber-created data associated with individual electronic books located in the collection of electronic books in a header file for each of the individual electronic books (page 30, lines 12-17); means for receiving one of a subscriber-entered selection and a subscriber-defined selection (page 30, lines 17-22); means, connected to the storing means and the means for receiving the selection for determining whether to generate a particular library menu of the textual data located in the electronic collection based on the received selection and a default menu and whether to generate a searchable menu of the electronic books in the electronic books collection (page 30, line 28 to page 31, line 4); means, connected to the storing means for selecting search criteria for the searchable menu based on at least one of the subscriber-entered selection and the subscriber-defined selection (page 31, line 14 to page 32, line 5); and means, connected to the receiving means, for displaying the particular library menu relating to the textual data and based upon the determination, and displaying the subscriber-created data associated with each of the books included in the particular library menu (page 21, lines 5-6 and lines 10-12, page 27, lines 24-26).

The subject matter of independent claim 107 is directed to a system for transmitting and receiving text in the form of an electronic signal, and displaying an indication of the text, wherein the system comprises a processor that produces an electronic signal containing a representation of textual data corresponding to one or more electronic books (page 7, lines 3-7, page 8, lines 13-16); a transmitter, connected to the processor, that transmits the electronic signal (page 7, lines 7-9, page 8, lines 16-19); and a home subsystem (page 5, lines 19-22), wherein the home subsystem includes a connector that receives the electronic signal (page 8, lines 24-25, page 15, lines 21-24); selector, connected to the connector, for selecting a portion of the textual data, comprising input device for receiving a subscriber entry indicating a title of an electronic book, wherein the title correlates to a portion of the textual data

(page 14, lines 19-21, page 21, line 26 to page 22, line 6, page 23, lines 18-19); an electronic collection of electronic books, ordered and transmitted electronically via the transmitter, wherein in response to a transmitted order, the ordered electronic book is transmitted from a remote operations center to the home subsystem and stored in a library unit of the home subsystem until a selection is received to view the electronic book (page 17, lines 7-20, page 22, lines 7-17); a subscriber-defined criteria processing device for associating subscriber- created data with individual electronic books located in the collection of electronic books and for storing the subscriber-created data in a header file associated with each of the individual electronic books (page 30, lines 12-16); a receiving device for receiving one of a subscriber-enter criteria and a subscriber-defined criteria (page 30, lines 17-22); a menu generator that determines whether to generate a particular library menu of the books located in the collection according to the received selection from the subscriber and determines whether to generate a searchable menu of the electronic books in the electronic books collection (page 28, lines 16-17, page 29, lines 8-10); a selecting device that selects search criteria for the searchable menu based on the subscriber-entered criteria and the subscriber-defined criteria (page 31, line 14 to page 32, line 5); a repository that stores the subscriber-entered criteria or the subscriber-created criteria (page 30, lines 12-14); and a display, connected to the connector, that displays the particular library menu relating to the determination of the menu generator (page 21, lines 5-6, and lines 10-12, page 27, lines 24-26).

The subject matter of independent claim 108 is directed to a method for distributing text material in textual data form using an electronic signal and a transmission medium, wherein the method comprises processing an electronic order for one or more electronic books (page 20, lines 1-26); transmitting the electronic order over a transmission medium from a library unit of a home subsystem to a remote operations center (page 20, lines 16-18); in response to the electronic order, coding textual data corresponding to one or more electronic books onto an electronic signal (page 7, lines 5-6, page 8, lines 14-16); transmitting the electronic signal over a

transmission medium from the remote operations center to the home subsystem to be stored in the library unit of the home subsystem until the one or more electronic books is selected for viewing (page 7, lines 7-9, page 8, lines 14-16); receiving the electronic signal from the transmission medium (page 7, lines 9-11); storing the textual data in an electronic collection at the subscriber's location (page 17, lines 7-20, page 22, lines 7-17); receiving a subscriber-defined criteria (page 30, lines 17-22); determining whether to generate a particular library menu of the books located in the electronic collection according to the received selection from the subscriber and determining whether to generate a searchable menu of the electronic books in the electronic books collection (page 29, lines 8-10); selecting search criteria for the searchable menu based on the subscriber-defined criteria, the subscriber-defined criteria being associated with a particular electronic book in the electronic collection and being stored in a header file associated with the particular electronic book (page 31, line 14 to page 32, line 5, page 30, lines 12-14); displaying the particular library menu relating to the determination (page 27, lines 24-26, page 30, lines 23-24); and receiving a subscriber entry indicating a title of an electronic book, wherein the title correlates to a portion of the textual data (page 25, lines 16-17).

The subject matter of independent claim 109 is directed to a system for transmitting and receiving text in the form of an electronic signal in response to the transmission of an electronic purchase order, and displaying an indication of the text, wherein the system comprises means for producing an electronic signal containing a representation of textual data (page 7, lines 3-7, page 8, lines 13-16); means, connected to the producing means, for transmitting the electronic signal, in response to receiving the electronic purchase order, from a remote operations center to a home subsystem (page 7, lines 7-9, page 8, lines 16-19), wherein the electronic text is stored in a library unit of the home subsystem until selected for viewing, wherein the electronic purchase order is transmitted from the library unit to the remote operations center (page 20, lines 17-18); means for receiving the electronic signal (page 15, lines 20-24); means, connected to the receiving means, for storing an electronic collection

of the received electronic signal containing a representation of textual data and a subscriber-created criteria at the location of the subscriber, the subscriber-created criteria being stored in a header file associated with the electronic signal (page 17, lines 7-20, page 22, lines 7-17, page 30, lines 12-14); means for receiving one of a subscriber-entered criteria and a subscriber-defined criteria (page 30, lines 17-22); means, connected to the storing means, for determining whether to generate a particular library menu of the textual data located in the electronic collection according to the received selection and whether to generate a searchable menu of the electronic books in the electronic books collection (page 30, line 28 to page 31, line 4); means, connected to the storing means for selecting search criteria for the searchable menu based on the subscriber-entered criteria and the subscriber-defined criteria (page 31, line 14 to page 32, line 5); and means, connected to the receiving means, for displaying the particular library menu relating to the textual data and based upon the determination (page 21, lines 5-6, and lines 10-12, page 27, lines 24-26).

VII. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-13, 18-29, 63, and 107-109 are unpatentable under 35 U.S.C. § 103(a) over Yoshimune in view of Cassorla and whether claims 14-17 and 30-31 are unpatentable under 35 U.S.C. § 103(a) over Yoshimune in view of Cassorla and further in view of Kubota.

VIII. ARGUMENT

A. Legal Overview

When rejecting claims under 35 U.S.C. § 103, an Examiner bears an initial burden of presenting a *prima facie* case of obviousness. If an Examiner fails to establish a *prima facie* case, the rejection is improper and will be overturned. See *In re*

Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q. 2d. 1955 (Fed. Cir. 1993). "If examination.... does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to the grant of the patent." *In re Oetiker*, 977 F.2d 1443, 1445 – 1446, 24 U.S.P.Q. 2d. 1443, 1444 (Fed. Cir. 1992).

Several basic factual inquiries must be made to determine obviousness or non-obviousness of patent application claims under 35 U.S.C. § 103. These factual inquiries are set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966):

Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; the level of ordinary skill in the pertinent art resolved. Against this backdrop, the obviousness or non-obviousness of the subject matter is determined.

Appellants respectfully submit that the specific factual inquiries set forth in *Graham* have not been considered or properly applied by the Examiner formulating the rejection of the pending claims. Particularly the scope and content of the prior art and differences between the prior art and the claims were not properly determined. As stated by the Federal Circuit in *In re Ochiai*, 37 U.S.P.Q. 2d 1127, 1131 (Fed. Cir. 1995):

[t]he test of obviousness *vel non* is statutory. It requires that one compare the claim's subject matter as a whole with a prior art to which the subject matter pertains. 35 U.S.C. § 103.

The inquiry is highly fact-specific by design.... When the references cited by the Examiner fail to establish a *prima facie* case of obviousness, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). (Emphasis added.)

A *prima facie* case of obviousness is established only if the teachings of the prior art as a whole would have suggested the claimed subject matter to a person of ordinary

skill in the art. The proper analysis is whether the claimed invention would have been obvious to one of ordinary skill in the art after consideration of all the facts. See *Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in KSR International Co. v. Teleflex Inc.*, Federal Register/Vol. 72, No. 195/Wednesday, October 10, 2007/Notices, p. 57528. Further, in *KSR*, the Supreme Court held that “[t]he obviousness analysis cannot be confined by a formalistic conceptions of the words teaching, suggestion, and motivation, or by overemphasis on the importance of published articles and the explicit content of issued patents.”

Appellants respectfully submit that the Examiner has not made a proper *prima facie* rejection under 35 U.S.C. § 103(a), because the combination of prior art reference fails to teach or suggest the presently claimed invention.

B. Rejection of claims 1-13, 18-29, 63, and 107-109 under 35 U.S.C. §103

In the Final Office Action dated August 19, 2010, claims 1-13, 18-29, 63, and 107-109 are rejected as being allegedly obvious over Yoshimune in view of Cassorla.

Independent claims 1, 18, 63, and 107-109 recite that the subscriber-created data associated with individual electronic books is stored in a header file for each of the individual electronic books. The Examiner concedes that Yoshimune fails to disclose or teach the above feature. However, the Examiner refers to col. 5, lines 31-50 of Cassorla and alleges that Cassorla discloses means for storing the subscriber-created data associated with individual electronic books in a header file for each of the individual electronic books. Appellants respectfully disagree with the Examiner’s determination of the scope and contents of the prior art.

Cassorla discloses various types of annotations such as bookmarks, margin flags, and notes that can be created by readers of an electronic book (col. 4 to col. 5). Cassorla further discloses that to ensure proper positioning of these annotations, header information is added to both the electronic book file and separately recorded

annotation files (col. 3, lines 49-62 and col. 5, lines 18-21). This is also demonstrated in Fig. 6 of Cassorla, which shows that the electronic book file and the annotation file are separate and they both contain the “header” information. Thus, in contrast to the claimed invention which recites storing “the subscriber-created data in a header file for each of the individual electronic books” (see e.g. claim 1), Cassorla discloses adding header information to each of the reader-created annotations.

At col. 5, lines 31-50 relied upon by the Examiner, Cassorla discloses that when several reviewers of a book-in-progress are working on the online text, each reviewer can reference his notes to the topic and line location in the book file. Cassorla further discloses that this location information is included in the control header of the book file and revisions are displayed if the control header contains the revision location information. Thus, the control header includes the revision location information.

In sum, Cassorla discloses adding header information to each of the reader-created annotations or storing the information of annotation locations in the control header. However, Cassorla fails to teach or suggest storing the subscriber-created data associated with individual electronic books in a header file for each of the individual electronic book. Therefore, even if the skilled artisan combines the disclosure of Yoshimune and Cassorla, the skilled artisan would not have arrived at the present invention.

For at least the above reasons, Appellants submit that independent claims 1, 18, 63, and 107-109 are not obvious over the combination of Yoshimune and Cassorla. Because claims 2-13 depend from claim 1 and claims 19-29 depend from claim 18, claims 2-13 and 19-29 are also not obvious over the combination of the cited references for at least the same reasons, as well as for the additional subject matter recited therein. Accordingly, Appellants respectfully request this Board to reverse the rejection of claims 1-13, 18-29, 63, and 107-109 under 35 U.S.C. § 103(a) over Yoshimune in view of Cassorla.

C. Rejection of claims 14-17 and 30-31 under 35 U.S.C. § 103

In the Final Office Action dated August 19, 2010, claims 14-17 and 30-31 are rejected as being allegedly obvious over Yoshimune in view of Cassorla and further in view of Kubota.

Claims 14-17 depend from independent claim 1 and claims 30-31 depend from independent claim 18. The patentability of claims 1 and 18 over the combination of Yoshimune and Cassorla is discussed above. Moreover, Kubota fails to cure the deficiencies of Yoshimune and Cassorla. Therefore, claims 1 and 18 are not obvious over Yoshimune in view of Cassorla and further in view of Kubota. Claims 14-17, at least because of their dependence from claim 1, and claims 30-31, at least because of their dependence from claim 18, are likewise not obvious over the cited references. Accordingly, Appellants respectfully request this Board to reverse the rejection of claims 14-17 and 30-31 over Yoshimune in view of Cassorla and further in view of Kubota.

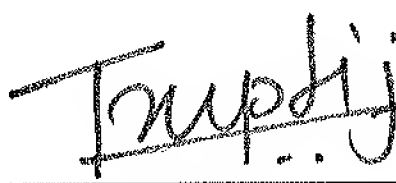
Application Serial No.: 09/237,827
Inventor(s): HENDRICKS *et al.*
Attorney Docket No.: 033033-00013

IX. CONCLUSION

Appellants respectfully submit that claims 1-31, 63, and 107-109 are not obvious under 35. U.S.C. § 103(a) and respectfully request the Honorable Board of Patent Appeals and Interferences to reverse these rejections.

If any additional fee is due with the filing of this Appeal Brief, please charge our Deposit Account No. 01-2300, referencing Attorney Docket. No. 033033.00013.

Respectfully submitted,

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X. APPENDIX I: COPY OF THE CLAIMS INVOLVED IN THE APPEAL

1. (Previously Presented) A system for transmitting and receiving text, and displaying an indication of the text, wherein the text is transmitted in an electronic signal, the system comprising:

a processor that produces an electronic signal containing a representation of textual data corresponding to one or more electronic books;

a transmitter, connected to the processor, that transmits the electronic signal; and

a home subsystem, wherein the home subsystem includes:

a connector that receives the electronic signal;

means, connected to the connector, for selecting a portion of the textual data, comprising means for receiving a subscriber entry indicating a title of an electronic book, wherein the title correlates to a portion of the textual data;

an electronic collection of electronic books, ordered and transmitted electronically via the transmitter, wherein in response to a transmitted order, the ordered electronic book is transmitted from a remote operations center to the home subsystem and stored in a library unit of the home subsystem until a selection is received to view the electronic book;

means for associating subscriber-created data with individual electronic books located in the collection of electronic books;

means for storing the subscriber-created data associated with individual electronic books located in the collection of electronic books in a header file for each of the individual electronic books;

means for receiving one of a subscriber-entered selection and a subscriber-defined selection;

a menu generator that determines and generates a particular library menu of the books located in the collection based on at least one of the received selection and a default menu and generates a searchable menu of the electronic books in the electronic books collection;

means for selecting search criteria for the searchable menu based on at least one of the subscriber-entered selection and the subscriber-defined selection; and

a display, connected to the connector, that displays the particular library menu of books relating to the determination of the menu generator, and displays the subscriber-created data associated with each of the books included in the particular library menu.

2. (Original) The system of claim 1, wherein the processor produces the electronic signal as a video formatted composite signal.

3. (Original) The system of claim 1, wherein the processor produces the electronic signal as a signal to be transmitted over a telephone system.

4. (Original) The system of claim 1, wherein the display displays an electronic representation of books on a book shelf; related to the textual data.

5. (Original) The system of claim 1, wherein the display formats the menu according to title, author, International Standard Book Number, classification number, or category, related to the textual data.

6. (Original) The system of claim 1, wherein the display comprises a microprocessor that receives an indication of a selected portion of the textual data identified by the menu, and wherein the display displays the selected portion of the textual data.

7. (Original) The system of claim 1, wherein the display displays a default menu.

8. (Original) The system of claim 1, wherein the connector comprises a set top terminal with a memory for storage of the selected textual data, and the display comprises a television.

9. (Original) The system of claim 1, wherein the display comprises a portable, hand-held viewer.

10. (Original) The system of claim 1, wherein the processor comprises an encoder.

11. (Original) The system of claim 1, wherein the transmitter module comprises a broadcast television transmitter.

12. (Original) The system of claim 1, wherein the transmitter comprises a cable television transmitter.

13. (Original) The system of claim 12, wherein the connector further comprises a cable connector, that extracts textual data from a video formatted composite signal.

14. (Original) The system of claim 1, wherein the display comprises: a library unit connected to the connector, for processing the textual data, comprising:

digital logic for screening the textual data; and

a first memory for storing the textual data; and

a viewer, electronically communicating with the library unit, for displaying the textual data as text.

15. (Original) The system of claim 14, wherein the library unit and the viewer are contained within a common housing.

16. (Original) The system of claim 14, wherein the viewer comprises:

a second memory for storing textual data received from the library unit;

a microprocessor, connected to the second memory, for controlling the functions of the viewer;

a digital display circuit, connected to the microprocessor, for creating displays; and

a liquid crystal display, connected to the digital display circuitry, for displaying text.

17. (Original) The system of claim 16, wherein the second memory for storing textual data comprises a removable electronic card memory.

18. (Previously Presented) A method for distributing text material in textual data form using an electronic signal and a transmission medium, comprising:

- processing an electronic order for one or more electronic books;
- transmitting the electronic order over a transmission medium from a library unit of a home subsystem to a remote operations center;
- in response to the electronic order, coding textual data corresponding to one or more electronic books onto an electronic signal;
- transmitting the electronic signal over a transmission medium from the remote operations center to the home subsystem to be stored in the library unit of the home subsystem until the one or more electronic books is selected for viewing;
- receiving the electronic signal from the transmission medium;
- storing the textual data in an electronic collection at the subscriber's location;
- associating subscriber-created data with individual electronic books located in the electronic collection;
- storing the subscriber-created data associated with individual electronic books located in the electronic collection in a header file for each of the individual electronic books;
- receiving one of a subscriber-entered selection and a subscriber-defined selection;
- determining whether to generate a particular library menu of the books located in the electronic collection based on at least one of the received selection and

a default menu and whether to generate a searchable menu of the electronic books in the electronic books collection;

selecting search criteria for the searchable menu based on at least one of the subscriber-entered selection and the subscriber-defined selection;

displaying the particular library menu relating to the determination along with the subscriber-created data associated with each of the books included in the particular library menu; and

receiving a subscriber entry indicating a title of an electronic book, wherein the title correlates to a portion of the textual data.

19. (Original) The method of claim 18, wherein the coding step comprises producing the electronic signal as a video formatted composite signal.

20. (Original) The method of claim 18, wherein the displaying step comprises displaying an electronic representation of books on a book shelf, related to the textual data.

21. (Original) The method of claim 18, wherein the displaying step comprises formatting the menu according to title, author, International Standard Book Number, classification number, or category, related to the textual data.

22. (Original) The method of claim 18, further comprising:
receiving an indication of a selected portion of the textual data identified by the menu; and
displaying the selected portion of the textual data.

23. (Original) The method of claim 18, wherein the displaying step comprises displaying a default menu.

24. (Original) The method of claim 19, wherein the receiving step comprises receiving the video signal from a set top terminal with a memory for storage of the selected textual data, and the displaying comprises using a television to display the menu.

25. (Original) The method of claim 18, wherein the displaying step comprises using a portable, hand-held viewer to display the menu.

26. (Original) The method of claim 18, wherein the coding step comprises using an encoder for coding the textual data onto the electronic signal.

27. (Original) The method of claim 18, wherein the transmitting step comprises using a broadcast television transmitter for transmitting the electronic signal.

28. (Original) The method of claim 19, wherein the transmitting step comprises sending the textual data without any video, using the textual data to fill an entire channel of video, and using a cable television transmitter to send the textual data.

29. (Original) The method of claim 28, wherein the receiving step comprises extracting textual data from the video formatted composite signal.

30. (Original) The method of claim 18, wherein the displaying step comprises:
using a library unit connected to the connector for processing the textual data; and

using a viewer, electronically communicating with the library unit, for displaying the textual data as text.

31. (Original) The method of claim 30, further comprising using a common housing to contain the library unit and the viewer.

32-62. (Canceled)

63. (Previously Presented) A system for transmitting and receiving text, and displaying an indication of the text, wherein the text is transmitted in an electronic signal in response to the transmission of an electronic purchase order, comprising:

means for producing an electronic signal containing a representation of textual data;

means, connected to the producing means, for transmitting the electronic signal, in response to receiving the electronic purchase order, from a remote operations center to a home subsystem, wherein the electronic text is stored in a library unit of the home subsystem until selected for viewing, and wherein the electronic purchase order is transmitted from the library unit to the remote operations center;

means for receiving the electronic signal;

means connected to the receiving means, for storing an electronic collection of the received electronic signal containing a representation of textual data at the location of the subscriber;

means for associating subscriber-created data with individual electronic books located in the collection of electronic books;

means for storing the subscriber-created data associated with individual electronic books located in the collection of electronic books in a header file for each of the individual electronic books;

means for receiving one of a subscriber-entered selection and a subscriber-defined selection;

means, connected to the storing means and the means for receiving the selection for determining whether to generate a particular library menu of the textual data located in the electronic collection based on the received selection and a default menu and whether to generate a searchable menu of the electronic books in the electronic books collection;

means, connected to the storing means for selecting search criteria for the searchable menu based on at least one of the subscriber-entered selection and the subscriber-defined selection; and

means, connected to the receiving means, for displaying the particular library menu relating to the textual data and based upon the determination, and displaying the subscriber-created data associated with each of the books included in the particular library menu.

64-106. (Canceled)

107. (Previously Presented) A system for transmitting and receiving text, and displaying an indication of the text, wherein the text is transmitted in an electronic signal, comprising:

a processor that produces an electronic signal containing a representation of textual data corresponding to one or more electronic books;

a transmitter, connected to the processor, that transmits the electronic signal; and

a home subsystem, wherein the home subsystem includes:

a connector that receives the electronic signal;

selector, connected to the connector, for selecting a portion of the textual data, comprising input device for receiving a subscriber entry indicating a title of an electronic book, wherein the title correlates to a portion of the textual data;

an electronic collection of electronic books, ordered and transmitted electronically via the transmitter, wherein in response to a transmitted order, the ordered electronic book is transmitted from a remote operations center to the home subsystem and stored in a library unit of the home subsystem until a selection is received to view the electronic book;

a subscriber-defined criteria processing device for associating subscriber- created data with individual electronic books located in the collection of electronic books and for storing the subscriber-created data in a header file associated with each of the individual electronic books;

a receiving device for receiving one of a subscriber-enter criteria and a subscriber-defined criteria;

a menu generator that determines whether to generate a particular library menu of the books located in the collection according to the received selection

from the subscriber and determines whether to generate a searchable menu of the electronic books in the electronic books collection;

a selecting device that selects search criteria for the searchable menu based on the subscriber-entered criteria and the subscriber-defined criteria;

a repository that stores the subscriber-entered criteria or the subscriber-created criteria; and

a display, connected to the connector, that displays the particular library menu relating to the determination of the menu generator.

108. (Previously Presented) A method for distributing text material in textual data form using an electronic signal and a transmission medium, comprising:

processing an electronic order for one or more electronic books;

transmitting the electronic order over a transmission medium from a library unit of a home subsystem to a remote operations center;

in response to the electronic order, coding textual data corresponding to one or more electronic books onto an electronic signal;

transmitting the electronic signal over a transmission medium from the remote operations center to the home subsystem to be stored in the library unit of the home subsystem until the one or more electronic books is selected for viewing;

receiving the electronic signal from the transmission medium;

storing the textual data in an electronic collection at the subscriber's location;

receiving a subscriber-defined criteria;

determining whether to generate a particular library menu of the books located in the electronic collection according to the received selection from the subscriber and determining whether to generate a searchable menu of the electronic books in the electronic books collection;

selecting search criteria for the searchable menu based on the the subscriber-defined criteria, the subscriber-defined criteria being associated with a particular electronic book in the electronic collection and being stored in a header file associated with the particular electronic book;

displaying the particular library menu relating to the determination; and

receiving a subscriber entry indicating a title of an electronic book, wherein the title correlates to a portion of the textual data.

109. (Previously presented) A system for transmitting and receiving text, and displaying an indication of the text, wherein the text is transmitted in an electronic signal in response to the transmission of an electronic purchase order, comprising:

means for producing an electronic signal containing a representation of textual data;

means, connected to the producing means, for transmitting the electronic signal, in response to receiving the electronic purchase order, from a remote operations center to a home subsystem, wherein the electronic text is stored in a

library unit of the home subsystem until selected for viewing, wherein the electronic purchase order is transmitted from the library unit to the remote operations center;

means for receiving the electronic signal;

means, connected to the receiving means, for storing an electronic collection of the received electronic signal containing a representation of textual data and a subscriber-created criteria at the location of the subscriber, the subscriber-created criteria being stored in a header file associated with the electronic signal;

means for receiving one of a subscriber-entered criteria and a subscriber-defined criteria;

means, connected to the storing means, for determining whether to generate a particular library menu of the textual data located in the electronic collection according to the received selection and whether to generate a searchable menu of the electronic books in the electronic books collection;

means, connected to the storing means for selecting search criteria for the searchable menu based on the subscriber-entered criteria and the subscriber-defined criteria; and

means, connected to the receiving means, for displaying the particular library menu relating to the textual data and based upon the determination.

Application Serial No.: 09/237,827
Inventor(s): HENDRICKS *et al.*
Attorney Docket No.: 033033-00013

XI. APPENDIX II: EVIDENCE

--NONE--

Application Serial No.: 09/237,827
Inventor(s): HENDRICKS *et al.*
Attorney Docket No.: 033033-00013

XII. APPENDIX III: RELATED PROCEEDINGS

--NONE--

Delaware

PAGE 1

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "DISCOVERY PATENT HOLDINGS, LLC", CHANGING ITS NAME FROM "DISCOVERY PATENT HOLDINGS, LLC" TO "ADREA, LLC", FILED IN THIS OFFICE ON THE TWENTY-FOURTH DAY OF AUGUST, A.D. 2010, AT 4:23 O'CLOCK P.M.

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You may verify this certificate online
at corp.delaware.gov/authver.shtml




Jeffrey W. Bullock, Secretary of State
AUTHENTICATION: 8190285

DATE: 08-24-10

**CERTIFICATE OF AMENDMENT
OF
CERTIFICATE OF FORMATION
OF
DISCOVERY PATENT HOLDINGS, LLC**

1. The Name of the Limited Liability Company is Discovery Patent Holdings, LLC (the "Company").
2. The Certificate of Formation of the Company is hereby amended by deleting paragraph 1. in its entirety and by substituting in lieu of paragraph 1. the following new paragraph:

"1. The name of the Limited Liability Company is:

Adrea, LLC"

IN WITNESS WHEREOF, the undersigned has executed this Certificate on the 24th day of August, 2010.

DISCOVERY PATENT HOLDINGS, LLC, a
Delaware limited liability company

By: Discovery Patent Licensing, LLC, its Manager

By: Discovery Communications, LLC,
its Manager

By: Christina S. Wadepka
Name: Christina S. Wadepka
Title: Senior Vice President, Legal Affairs.